

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

LAWRENCE E. WHITE,

Petitioner,

VS .

TONY PARKER,

Respondent.

No. 06-2326-B/P

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS
AND
ORDER DIRECTING PETITIONER TO PAY THE HABEAS FILING FEE

Petitioner Lawrence E. White, Tennessee Department of Correction ("TDOC") prisoner number 257985, an inmate at the West Tennessee State Penitentiary in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2241 on May 26, 2006. The Court issued an order on June 6, 2006 directing White, within thirty days, to file an in forma pauperis affidavit or pay the habeas filing fee. On June 30, 2006, White filed a response to that order that included an in forma pauperis application and a copy of his trust fund account statement. The trust fund account statement indicates that, as of May 30, 2006, four days after the commencement of this action, the balance in White's inmate trust fund account was \$300.53. White's subsequent commissary purchases,

which brought the balance below \$25, are not relevant as in forma pauperis status is determined on the day the complaint is filed.

Accordingly, the Court DENIES leave to proceed in forma pauperis. The petitioner is ORDERED to remit the habeas filing fee within thirty days of the date of filing of this order. Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 20th day of July, 2006.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE